

Applicant: Brodeur et al.
Application Serial No.: 09/723,852
Filing Date: November 28, 2000
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REMARKS/ARGUMENTS

Introduction

Claims 2-5, 11-13, 23, 25 and 26 are pending in the application. Claims 23 and 25 have been allowed. Claim 26 and the specification have been amended. Reconsideration of this application as amended is respectfully requested.

The Examiner has objected to the disclosure requesting the term “perimetricaly” in the phrase “perimetricaly non-continuous” be independently defined in the specification in accordance with the disclosure. Additionally, the Examiner requested that the phrase “longitudinally arrange segments” be relocated in front of element number 7a and 10a in the paragraph on page 7, line 19 to page 8, line 4. Applicants have amended the specification accordingly. The objection is believed to be overcome in view of these amendments.

Rejections under 35 U.S.C. §112

The Examiner has rejected claims 2-5, 11-13 and 26 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Examiner alleged the following:

In claim 26, line 6, it is unclear if “arranged longitudinally” in the phrase “arranged longitudinally in non-overlapping relationship to create gaps therein”

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means that the segments are arranged such that they are elongated and extend parallel to the longitudinal axis of the tubular member (as shown at 4 in figure 1, for example) or that they are arranged such that they are spaced from each other along the longitudinal axis of the tubular member (as shown at 7a in figure 2 for example).

Claim 26 has been amended. Amended claim 26 is directed to a second plurality of coaxial non-continuous polytetrafluoroethylene segments being arranged to define a second tubular form with the segments being arranged along a longitudinal axis of the tubular prosthesis creating gaps between each segment. The segments are arranged longitudinally along the longitudinal axis of the prosthesis. The segments are arranged in non-overlapping relationship creating a gap therebetween. Therefore, Applicants believe the rejection is overcome in view of the above amendment.

Claims 2-5, and 11-13 depend from amended claim 26. Therefore, it is respectively submitted the claims are in accord with 35 USC § 112.

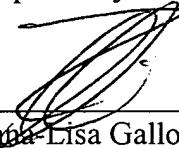
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SUMMARY

Applicants acknowledge claims 23 and 25 are allowed. Additionally, claim 26 has been amended. Applicants believe amended claim 26 overcomes the rejection under 35 U.S.C. §112, second paragraph. Therefore, this application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning this application or this amendment, he is invited to contact the undersigned counsel.

Respectfully submitted,


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